



SENATE

S. No. 2191

INTRODUCED BY SENATOR AQUINO ORETA

AN ACT ESTABLISHING AUTHORITY AND ACCOUNTABILITY FOR BASIC EDUCATION IN THE DEPARTMENT OF EDUCATION, INSTITUTING A FRAMEWORK FOR GOVERNANCE, DEFINING THE ROLES AND RESPONSIBILITIES FOR BUILDING AND CONSTANTLY IMPROVING AN EDUCATION SYSTEM THAT ENABLES THE FILIPINO CHILDREN, OUT-OF-SCHOOL YOUTH AND ADULT LEARNERS TO BECOME CARING, SELF-RELIANT, PRODUCTIVE AND PATRIOTIC CITIZENS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* - This Act shall be known as the
2 "Governance of Basic Education Act of 2001."

3 SEC. 2. *Declaration of Policy.* - It is hereby declared the
4 policy of the State to protect and promote the right of all citizens to
5 quality basic education and to make such education accessible to all
6 by providing all Filipino children a free and compulsory education in

1 the elementary level and free education in the high school level. Such
2 education shall also include alternative learning systems for out-of-
3 school youth and adult learners. It shall be the goal of basic education
4 to provide them with the skills, knowledge and values they need to
5 become caring, self-reliant, productive and patriotic citizens.

6 All Filipino children, out-of-school youth and adult learners have
7 the right to receive quality basic education that will enable them
8 to acquire knowledge, to be equipped with skills and imbibe the core
9 values they need to develop their potentials to the fullest according to
10 their talents and abilities and to grow into responsible and committed
11 Filipino citizens.

12 The school shall be the heart of the formal education system. It
13 is where children learn. Schools shall have a single aim of providing
14 the best possible basic education for all learners.

15 It shall be a national commitment to provide the early and young
16 learners an environment in the school that is child-centered for them
17 to fully develop their talents and abilities. It shall likewise be a national
18 commitment to provide out-of-school youth and adult learners
19 alternative learning systems for them to learn a core of basic
20 competencies and receive accreditation for at least the equivalent of a
21 high school education.

22 The school teacher/learning facilitator shall play a central role in
23 the teaching-learning process and shall be accountable for achieving
24 higher learning outcomes.

1 It shall be a national commitment to continuously enhance the
2 status and quality of the teaching profession and to promote the
3 employment status, professional competence, well-being and working
4 conditions of all teachers and learning facilitators.

5 Governance of basic education shall begin at the national level.
6 It is at the regions, divisions, schools and learning centers - herein
7 referred to as the field offices — where the policy and principle for
8 the governance of basic education shall be translated into programs,
9 projects and services developed, adapted and offered to fit local
10 needs.

11 The State shall encourage local initiatives for improving the
12 quality of basic education. The State shall ensure that the values,
13 needs and aspirations of a school community are reflected in the
14 program of education for the children, out-of-school youth and adult
15 learners. Schools and learning centers shall be empowered to make
16 decisions on what is best for the learners they serve.

17 The State shall orient the education system towards a new
18 paradigm that seeks to enhance the delivery of quality basic education
19 in all schools and learning centers.

20 SEC. 3. *Purposes and Objectives.* - The purposes and
21 objectives of this Act are:

22 a) To provide the broad framework for the governance of basic
23 education which shall set the general directions for educational
24 policies and standards and establish authority, accountability and
25 responsibility for achieving higher learning outcomes;

1 b) To define the roles and responsibilities of the field offices
2 which shall implement educational programs, projects and services
3 for the communities they serve;

4 c) To make schools and learning centers the most important
5 vehicle for the teaching and learning of national values and for
6 developing in the Filipino learners love of country and pride in its rich
7 heritage;

8 d) To ensure that schools and learning centers receive the kind
9 of focused attention they deserve and that educational programs,
10 projects and services take into account the interests of all members
11 of the community;

12 e) To enable the schools and learning centers to reflect the
13 values of the community by allowing teachers/learning facilitators and
14 other staff to have the flexibility to serve the needs of all learners;

15 f) To encourage local initiatives for the improvement of schools
16 and learning centers and to provide the means by which these
17 improvements may be achieved and sustained; and

18 g) To establish schools and learning centers as facilities where
19 schoolchildren are able to learn a range of core competencies
20 prescribed for elementary and high school education programs or
21 where the out-of-school youth and adult learners are provided
22 alternative learning programs.

23 SEC. 4. *Definition of Terms.* - For purposes of this Act, the
24 terms or phrases used shall mean or be understood as follows:

1 a) *Alternative Learning System* - is a parallel learning system
2 to provide a viable alternative to the existing formal education
3 instruction. It encompasses both the non-formal and informal sources
4 of knowledge and skills;

5 b) *Basic Education* - refers to the education intended to meet
6 basic learning needs. It lays the foundation on which subsequent
7 learning can be based. It encompasses early childhood, elementary and
8 high school education as well as alternative learning systems for out-
9 of-school youth and adult learners and includes education for those
10 with special needs;

11 c) *Cluster of Schools* - is a group of schools which are
12 geographically contiguous and brought together to improve the
13 learning outcomes;

14 d) *Informal Education* - is a lifelong process of learning by
15 which every person acquires and accumulates knowledge, skills,
16 attitudes and insights from daily experiences at home, at work, at play
17 and from life itself;

18 e) *Integrated Schools* - is a school that offers a complete basic
19 education in one school site. It has unified instructional programs
20 (integrated curriculum for elementary/high school);

21 f) *Learner* - is any individual seeking basic literacy skills and
22 functional life skills or support services for the improvement of the
23 quality of his/her life;

24 g) *Learning Center* - is a physical space to house learning
25 resources and facilities of a learning program for out-of-school youth

1 and adults. It is a venue for face-to-face learning activities and other
2 learning opportunities for community development and improvement
3 of the people's quality of life;

4 h) *Learning Facilitator* - is the key learning support person
5 who is responsible for supervising/facilitating the learning process
6 and activities of the learner;

7 i) *Non-formal Education* - is any organized, systematic
8 educational activity carried outside the framework of the formal
9 system to provide selected types of learning to a segment of the
10 population;

11 j) *School* - is an educational institution, private and public,
12 undertaking educational operation with a specific age-group of pupils
13 or students pursuing defined studies at defined levels, receiving
14 instruction from teachers, usually located in a building or a group of
15 buildings in a particular physical or cyber site; and

16 k) *School Head* - is a person responsible for the administrative
17 and instructional supervision of the school or cluster of schools.

18 CHAPTER 1

19 GOVERNANCE OF

20 BASIC EDUCATION

21 SEC. 5. *Governance.* - The Department of Education, Culture
22 and Sports, which shall henceforth be called the Department of
23 Education, shall be vested with authority, accountability and
24 responsibility for ensuring access, promoting equity, and improving
25 the quality of basic education. The respective roles and

1 responsibilities of the central office and field offices shall be clearly
2 established.

3 SEC. 6. *Powers, Duties and Functions.* - The Secretary of the
4 Department of Education shall exercise overall authority and
5 supervision over the operations of the Department.

6 A. National Level

7 The Secretary of Education shall have authority, accountability
8 and responsibility for the following:

- 9 1. Formulating national educational policies;
10 2. Formulating a national basic education plan;
11 3. Promulgating national educational standards;
12 4. Monitoring and assessing national learning outcomes;
13 5. Undertaking national educational research and studies; and
14 6. Enhancing the employment status, professional competence,
15 welfare and working conditions of all personnel of the Department,

16 The Secretary of Education shall be assisted by not more than
17 four (4) undersecretaries and not more than four (4) assistant
18 secretaries whose assignments, duties and responsibilities shall be
19 governed by law. There shall be at least one undersecretary and one
20 assistant secretary who shall be career executive service officers
21 chosen from among the staff of the Department.

22 B. Regional Level

23 There shall be as many regional offices as may be provided by
24 law. Each regional office shall have a director, an assistant director

1 and an office staff for program promotion and support, planning,
2 administrative and fiscal services.

3 The regional director shall have authority, accountability and
4 responsibility for the following:

5 a. Defining a regional educational policy framework which
6 reflect the values, needs and expectations of the communities they
7 serve;

8 b. Developing a regional basic education plan;

9 c. Developing regional educational standards with a view
10 towards benchmarking for international competitiveness;

11 d. Monitoring, evaluating and assessing regional learning
12 outcomes;

13 e. Undertaking research projects and developing and managing
14 regionwide projects which may be funded through official
15 development assistance and/or other funding agencies;

16 f. Ensuring strict compliance of prescribed national criteria for
17 the recruitment, selection and training of all staff in the region and
18 divisions;

19 g. Formulating, in coordination with the regional development
20 council, the budget to support the regional educational plan which
21 shall take into account the educational plans of the divisions and
22 districts;

23 h. Determining the organization component of the divisions and
24 districts and approving the proposed staffing pattern of all employees
25 in the divisions and districts;

1 i. Hiring, placing and evaluating all employees in the regional
2 office, except for the position of assistant director;

3 j. Hiring, placing and evaluating all division supervisors, school
4 district supervisors and all school heads in the region;

5 k. Planning and managing the effective and efficient use of all
6 personnel, physical and fiscal resources of the regional office,
7 including professional staff development;

8 l. Managing the database and management information system
9 of the region;

10 m. Approving the establishment of public and private
11 elementary and high schools and learning centers; and

12 n. Performing such other functions as may be assigned by
13 proper authorities.

14 C. Division Level

15 A division shall consist of a province or a city which shall have
16 a schools division superintendent, at least one assistant schools
17 division superintendent and an office staff for programs promotion,
18 planning, administrative, fiscal, legal, ancillary and other support
19 services.

20 The schools division superintendents shall have authority,
21 accountability and responsibility for the following:

22 a) Developing and implementing division education
23 development plans;

1 b) Planning and managing the effective and efficient use of all
2 personnel, physical and fiscal resources of the division, including
3 professional staff development;

4 c) Hiring, placing and evaluating all employees in the division,
5 both teaching and non-teaching, except for the positions of the
6 assistant division superintendent, division supervisors, schools
7 district supervisors and school heads;

8 d) Monitoring the utilization of funds provided by the national
9 government and the local government units to the schools and learning
10 centers;

11 e) Ensuring compliance of quality standards for basic education
12 programs and for this purpose strengthening the role of division
13 supervisors as subject area specialists;

14 f) Promoting awareness of and adherence by all schools and
15 learning centers to accreditation standards prescribed by the Secretary
16 of Education;

17 g) Supervising the operations of all public and private
18 elementary, secondary and integrated schools, and learning centers;
19 and

20 h) Performing such other functions as may be assigned by
21 proper authorities.

22 D. Schools District Level

23 Upon the recommendation of the schools division
24 superintendents, the regional director may establish additional
25 schools district within a schools division and/or additional schools

1 district supervisors to be assigned at large to clusters of schools
 2 within a schools division. Schools districts already existing at the
 3 time of the passage of this law shall be maintained and shall not be
 4 included in clusters of schools. A schools district shall have a
 5 schools district supervisor and an office staff for program promotion

6 The schools district supervisor shall be responsible for:

7 a) Providing professional and instructional advice and support to
 8 the school heads and teachers/facilitators of schools and learning
 9 centers in the district or cluster thereof;

10 b) Curricula supervision; and

11 c) Performing such other functions as may be assigned by
 12 proper authorities.

13 E. School Level

14 There shall be a school head for all public elementary schools
 15 and public high schools or a cluster thereof. The establishment of
 16 integrated schools from existing public elementary and public high
 17 schools shall be encouraged.

18 The school head, who may be assisted by an assistant school
 19 head, shall be both an instructional leader and administrative manager.

20 The school head shall form a team with the school teachers/learning
 21 facilitators for delivery of quality educational programs, projects and
 22 services. A core of non-teaching staff shall handle the school's
 23 administrative, fiscal and auxiliary services.

24 The school heads shall have authority, accountability and
 25 responsibility for the following:

1 a) Setting the mission, vision, goals and objectives of the
 2 school;

3 b) Creating an environment within the school that is conducive
 4 to teaching and learning;

5 c) Implementing the school curriculum and being accountable
 6 for higher learning outcomes;

7 d) Developing the school education program and school
 8 improvement plan;

9 e) Offering educational programs, projects and services which
 10 provide equitable opportunities for all learners in the community;

11 f) Establishing school and community networks;

12 g) Administering and managing all personnel, physical and fiscal
 13 resources of the school;

14 h) Accepting donations, gifts, bequests and grants for the
 15 purpose of upgrading teachers'/learning facilitators' competencies,
 16 improving and expanding school facilities and providing instructional
 17 materials and equipment. Such donations or grants must be reported
 18 to the appropriate district supervisors and division superintendents;
 19 and

20 i) Performing such other functions as may be assigned by proper
 21 authorities.

22 The Secretary of Education shall create a promotions board
 23 which shall formulate and implement a system of promotion for
 24 school district supervisors and school heads. Promotions shall be
 25 based on educational qualification, merit and performance rather than

1 in this year's number of teachers/learning facilitators and learners in
2 the school.

3 The qualifications, salary grade, status of employment and
4 welfare and benefits shall be the same for public elementary,
5 secondary and integrated schools.

6 No appointment to the positions of regional directors, assistant
7 regional directors, schools division superintendents and assistant
8 schools division superintendents shall be made unless the appointee is
9 a career executive service officer who preferably shall have risen
10 from the ranks.

11 CHAPTER 2

12 TRANSFER OF

13 CULTURAL AGENCIES

14 SEC. 7. *Cultural Agencies.* - The Komisyon ng Wikang
15 Pilipino, National Historical Institute, Records Management and
16 Archives Office and the National Library shall now be
17 administratively attached to the National Commission for Culture and
18 the Arts (NCCA) and no longer with the Department of Education.
19 The program for school arts and culture shall remain part of the
20 school curriculum.

21 CHAPTER 3

22 ABOLITION OF THE BUREAU

23 OF PHYSICAL EDUCATION

24 AND SCHOOL SPORTS

25 SEC. 8. All functions, programs and activities of the
26 Department of Education related to sports competition shall be

1 transferred to the Philippine Sports Commission (PSC). The program
2 for school sports and physical fitness shall remain part of the basic
3 education curriculum.

4 The Bureau of Physical Education and School Sports (BPESSE)
5 is hereby abolished. The personnel of the BPESSE, presently detailed
6 with the PSC, are hereby transferred without loss of rank to the PSC,
7 including the plantilla position they occupy. All other BPESSE
8 personnel shall be absorbed by the Department.

9 CHAPTER 4

10 SUPPORT AND ASSISTANCE

11 OF OTHER GOVERNMENT AGENCIES

12 SEC. 9. The Secretary of Education and the Secretary of
13 Budget and Management shall, within ninety (90) days from the
14 approval of this Act, jointly promulgate the guidelines on the
15 allocation, distribution and utilization of resources provided by the
16 national government for the field offices.

17 The Secretary of the Department of Education shall ensure
18 that: (1) resources appropriated for the field offices are adequate; (2)
19 that resources for school personnel, school desks and textbooks and
20 other instructional materials intended for such field offices are
21 allocated directly and released immediately by the Department of
22 Budget and Management to said offices.

23 SEC. 10. The Secretary of the Department of Education,
24 subject to Civil Service laws and regulations shall issue appropriate
25 personnel policy rules and regulations that will best meet the

1 requirements of the teaching profession taking into consideration the
2 uniqueness of the working conditions of the teaching service.

3 SEC. 11. The Commission on Audit, in the issuance of audit
4 rules and regulations that will govern the utilization of all resources
5 as well as the liquidation, recording and reporting thereof, shall take
6 into account the different characteristics and distinct features of the
7 department's field offices, its organizational set-up as well as the
8 nature of the operations of schools and learning centers.

9 CHAPTER 5

10 FINANCE

11 SEC. 12. *School Innovation and Improvement Fund.* - For the
12 effective implementation of this Act, there is hereby established a
13 School Innovation and Improvement Fund (SIIF) to be funded
14 regularly under the General Appropriations Act.

15 The SIIF shall enable the schools to improve the teaching-
16 learning process by making available to teachers/learning facilitators
17 and learners a wide range of audio-visual and/or multi-media
18 facilities, tools and equipment, including computers and access to
19 Internet, and other appropriate educational technologies that will aid
20 instruction and enhance learning.

21 The SIIF shall be utilized in accordance with the guidelines to be
22 promulgated by the Secretary of Education: *Provided*, That the SIIF to
23 be allocated to each public school shall be in addition to the regular
24 allotment for maintenance and other operating expenses (MOOE) of
25 the schools provided in the General Appropriations Act.

1 CHAPTER 6

2 FINAL PROVISIONS

3 SEC. 13. The Regional Education Secretary for the Autonomous
4 Region in Muslim Mindanao (ARMM) shall exercise similar
5 governance authority over the divisions, districts, schools and learning
6 centers in the region as may be provided in the Organic Act without
7 prejudice to the provisions of Republic Act No. 9054, entitled "An
8 Act to Strengthen and Expand the Organic Act for the Autonomous
9 Region in Muslim Mindanao, Amending for the Purpose Republic Act
10 No. 6734, entitled 'An Act Providing for the Autonomous Region in
11 Muslim Mindanao as amended'".

12 SEC. 14. *Rules and Regulations.* - The Secretary of Education
13 shall promulgate the implementing rules and regulations within ninety
14 (90) days after the approval of this Act: *Provided*, That, the Secretary
15 of Education shall fully implement the principle of shared governance
16 within two (2) years after the approval of this Act.

17 SEC. 15. *Separability Clause.* - If for any reason, any portion
18 or provisions of this Act shall be declared unconstitutional, other
19 parts or provisions hereof which are not affected thereby shall
20 continue to be in full force and effect.

21 SEC. 16. *Repealing Clause.* - All laws, decrees, executive
22 orders, rules and regulations, or part or parts thereof, inconsistent
23 with the provisions of this Act, are hereby repealed or modified
24 accordingly.

1 SEC. 17. *Effectivity Clause.* This Act shall take effect fifteen
2 (15) days following its publication in at least two (2) newspapers of
3 general circulation.

Approved,